

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

DARLENE H MCGILVRAY
9178 CHRISTOPHER ASHLEY DR
LYLES, TN 37098

11-09285-CW1-13

JUDGE CHARLES M WALKER

SSN XXX-XX-6237

Date: 10/18/16

THE DEADLINE FOR FILING A TIMELY RESPONSIVE STATEMENT IS 11/09/16.

IF A STATEMENT OPPOSING THE TRUSTEE'S NOTICE OR MOTION IS TIMELY FILED, THE HEARING DATE WILL BE: 12/16/16 AT 9:00 AM 815 SOUTH GARDEN ST,COLUMBIA, TN , 38401.

NOTICE OF FINAL CURE PAYMENT PURSUANT TO RULE 3002.1
AND MOTION FOR AN ORDER DECLARING §1322(b)(5) CLAIM CURRENT AND DEFAULTS CURED

The Trustee has filed a Notice of Final Cure Payment pursuant to Rule 3002.1,, F .R.B.P. and has also filed a Motion for Order Declaring a §1322(b)(5) Claim Current and All Defaults Cured.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Case Filing you may call the Bankruptcy Court at (615)736-5584. The Bankruptcy Court may be visited in person at: US Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M.- 4:00 P.M.).

2. Your response must state the deadline for filing response, the date of the scheduled hearing, and the motion to which you are responding .

If you file a statement that you do not agree with the Trustee's Notice before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584 or viewing the case on the Court's web site at <[www .tnmb.uscourts.gov](http://www.tnmb.uscourts.gov)>.

If you do not file a statement as a supplement to the Proof of Claim that you DO NOT agree with the Trustee's Notice of Final Cure Payment, or you file a statement as a supplement to the Proof of Claim that you agree with the Trustee's Notice of Final Cure Payment, the Trustee will submit the attached Proposed Order for entry .

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 340019
NASHVILLE, TN 37203
PHONE: 615-244-1101
FAX: 615-242-3241
pleadings@ch13nsh.com

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FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:
DARLENE H MCGILVRAY
9178 CHRISTOPHER ASHLEY DR
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11-09285-CW1-13
JUDGE CHARLES M WALKER
10/18/2016

SSN XXX-XX-6237

**TRUSTEE'S NOTICE OF FINAL CURE PAYMENT AND
MOTION FOR AN ORDER DECLARING §1322(b)(5) CLAIM CURRENT AND DEFAULTS CURED**

Pursuant to Rule 3002.1(f) the Trustee has filed a Notice of Final Cure Payment and has requested an Order declaring that the §1322(b)(5) claim is current and all defaults have been cured.

**BSI FINANCIAL SERVICES
314 S FRANKLIN ST
TITUSVILLE, PA 16354**

FINAL CURE AMOUNT: (PREPETITION DEFAULT)

Court Claim Number	16	Trustee's Claim Number	30
Account Number	xxxxxx9691		
Universal Claim Identifier			
Claim Asserted	\$23,241.74		
Claim Allowed	\$17,868.88		
Amount Paid By Trustee	\$17,868.88		

MONTHLY ONGOING MORTGAGE PAYMENTS

The Trustee has made post-petition payments to the creditor ("conduit"). The Trustee's records demonstrate that all post-petition payments have been made through the payment for **October 2016**. Attached to this Notice and Motion, is an accounting of all payments made by the Trustee on the post-confirmation "conduit" payments. The totals are listed below:

Court's Claim Number	16	Trustee's Claim Number	29
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Post Petition

Date of Claim	Jul 16, 2012
Date of 1st Payment	July 31, 2012 for month Aug 2012
Post Confirmation Payments	\$83,777.40
Date of Last Payment	Sep 30, 2016 for month Oct 2016

The trustee will continue to make ongoing mortgage payments for subsequent months pending the resolution of this matter.

Within 21 days of the service of the Notice of Final Cure Payment, the creditor MUST file and serve a statement indicating 1) whether it agrees that the default has been cured and 2) whether consistent with §1322(b)(2), the post-confirmation payments are current. If applicable, the statement shall itemize any required cure or post-confirmation amounts that the creditor contends remain unpaid as of the date of the statement. The statement shall be filed as a supplement to the proof of claim.

This notice shall also constitute a motion by the Trustee for an order finding that the default has been cured and the post-confirmation payments are current. If the creditor files a notice that it agrees that the default has been cured and it agrees that the post-confirmation payments have been paid, the Trustee will submit an order finding that the default has been cured and the post-confirmation payments are current.

If the creditor files a statement that it disagrees with the Trustee's Notice and Motion of Final Cure Payment, the Trustee shall submit an order where the Court shall fix a hearing, establishing date, time and location, as required pursuant to Rule 3002.1 (h).

Dated:10/18/2016

Respectfully Submitted By:

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 340019
NASHVILLE, TN 37203
PHONE: 615-244-1101
FAX: 615-242-3241
pleadings@ch13nsh.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by US Postal Service, postage prepaid on DARLENE H MCGILVRAY, 9178 Christopher Ashley Dr, Lyles, TN 37098; and
BSI FINANCIAL SERVICES 314 S FRANKLIN ST, TITUSVILLE, PA 16354
WEISS AND SPICER 208 ADAMS AVE, MEMPHIS, TN 38103;
SERVIS ONE, INC 1425 GREENWAY DR, STE 400 IRVING, TX 75038-2480;
SERVIS ONE, INC % INCORP SERVICES, INC 216 CENTERVIEW DR STE 317 BRENTWOOD, TN 37027;

on 10/19/16 and electronically noticed to JAMES FLEXER, and Ms Beth R Derrick, Assistant US Trustee, pursuant to Court's ECF delivery.

/s/Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
Standing Chapter 13 Trustee

EXHIBIT TO PARAGRAPH 3 OF TRUSTEES MOTION

DARLENE H MCGILVRAY

11-09285-CW1-13

PAYMENTS ON CONTINUING POST PETITION MORTGAGE OBLIGATION

Date of Payment	Creditor Name	Check Number	Amount
07/31/2012	FLAGSTAR BANK	3173070	\$7531.60
08/31/2012	FLAGSTAR BANK	3182915	\$3012.64
09/30/2012	FLAGSTAR BANK	3192481	\$6025.28
10/31/2012	FLAGSTAR BANK	3202167	\$1506.32
12/31/2012	FLAGSTAR BANK	3221639	\$3012.64
03/31/2013	FLAGSTAR BANK	3251511	\$4518.96
05/31/2013	FLAGSTAR BANK	3271809	\$3012.64
07/31/2013	FLAGSTAR BANK	3291345	\$3012.64
09/30/2013	FLAGSTAR BANK	3310851	\$3012.64
11/30/2013	FLAGSTAR BANK	3330157	\$3012.64
12/31/2013	FLAGSTAR BANK	3340731	\$1506.32
01/31/2014	FLAGSTAR BANK	3351546	\$1506.32
02/28/2014	BSI FINANCIAL SERVICES	3358472	\$1506.32
03/31/2014	BSI FINANCIAL SERVICES	3367897	\$1506.32
04/30/2014	BSI FINANCIAL SERVICES	3377631	\$1506.32
05/31/2014	BSI FINANCIAL SERVICES	3387228	\$1506.32
06/30/2014	BSI FINANCIAL SERVICES	3396857	\$1506.32
07/31/2014	BSI FINANCIAL SERVICES	3406541	\$1506.32
09/30/2014	BSI FINANCIAL SERVICES	3425009	\$3012.64
10/31/2014	BSI FINANCIAL SERVICES	3434321	\$1506.32
11/30/2014	BSI FINANCIAL SERVICES	3443672	\$1506.32
12/31/2014	BSI FINANCIAL SERVICES	3452595	\$1506.32
02/28/2015	BSI FINANCIAL SERVICES	3471877	\$2984.17
03/31/2015	BSI FINANCIAL SERVICES	3480761	\$1477.85
04/30/2015	BSI FINANCIAL SERVICES	3490010	\$1477.85
05/31/2015	BSI FINANCIAL SERVICES	3499045	\$1477.85
06/30/2015	BSI FINANCIAL SERVICES	3507878	\$1477.85
07/31/2015	BSI FINANCIAL SERVICES	3517295	\$1477.85
08/31/2015	BSI FINANCIAL SERVICES	3526090	\$1477.85
09/30/2015	BSI FINANCIAL SERVICES	3535068	\$1477.85
10/31/2015	BSI FINANCIAL SERVICES	3543774	\$1477.85
11/30/2015	BSI FINANCIAL SERVICES	3552558	\$1477.85
12/31/2015	BSI FINANCIAL SERVICES	3560928	\$1477.85
01/31/2016	BSI FINANCIAL SERVICES	3571468	\$1477.85
02/29/2016	BSI FINANCIAL SERVICES	3579172	\$1410.84
03/31/2016	BSI FINANCIAL SERVICES	3587818	\$840.84
04/30/2016	BSI FINANCIAL SERVICES	3596464	\$840.84
05/31/2016	BSI FINANCIAL SERVICES	3605090	\$840.84
06/30/2016	BSI FINANCIAL SERVICES	3613384	\$840.84
07/31/2016	BSI FINANCIAL SERVICES	3622004	\$840.84
08/31/2016	BSI FINANCIAL SERVICES	3630264	\$840.84
09/30/2016	BSI FINANCIAL SERVICES	3638746	\$840.84

Total of Continuing Payments

\$83777.40

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IN RE: CASE 11-09285-CW1-13
DARLENE H MCGILVRAY
9178 CHRISTOPHER ASHLEY DR
LYLES, TN 37098

SSN XXX-XX-6237

**ORDER ESTABLISHING THAT PRECONFIRMATION DEFAULT HAS BEEN CURED AND THAT LONG TERM
DEBT TREATED PER §1322(b)(5) IS CURRENT AFTER STATEMENT OF AGREEMENT OR NO RESPONSE**

It appearing to the Court, based upon the certification of the Trustee, as indicated by his electronic signature below, that the Trustee has filed a Notice of Final Cure Payment and has filed a motion requesting an order of the Court finding that the Notice of Final Cure Payment is accurate, the long term debt is current and all defaults have been cured; and that notice of the Trustee's request and an accounting of payments made by the Trustee was mailed to the debtor, debtor (s') counsel and the below listed creditors and that either no objection to the Trustee's request was raised, or a Statement was filed agreeing with the Trustee's Notice of Final Cure, it is

ORDERED, that the §1322(b)(5) claim listed below shall be deemed current and that all defaults in the claim (s) shall be deemed cured:

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314 S FRANKLIN ST
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Date of Last Payment	Sep 30, 2016 for month Oct 2016		

The trustee will continue to make ongoing mortgage payments for subsequent months pending the resolution of this matter.

ORDERED, That this declaration that the long term obligation is current is made as of this date: **October 2016**

This order was signed and entered electronically
as indicated at the top of the first page.

APPROVED BY:

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
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